

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. For the reasons explained below, this action will be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The background and procedural history of this case is fully set forth in this Court's January 29, 2020 order. However, following is a brief recitation. Dowell is a federal prisoner. He initiated this action on January 27, 2020 by filing a document titled "Defendant's Motion for Declaratory Judgment Pursuant to Fed. R. Civ. 57." Therein, he averred he was entitled to declaratory relief because there were various infirmities in his criminal proceedings before this Court. Upon review, the Court determined that Dowell's claim for declaratory relief was subject to dismissal. However, instead of dismissing the action at that time, the Court gave Dowell the opportunity to file a motion pursuant to 28 U.S.C. § 2255. In that order, the Court cautioned Dowell that his failure to timely respond would result in the dismissal of this case, without prejudice and without further notice.

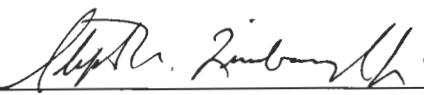
Dowell's response was due on February 28, 2020. However, to date, Dowell has neither responded to the Court's order, nor sought additional time to do so. Dowell was given meaningful notice of what was expected and ample time to comply, and he was cautioned that

dismissal may result from his failure to timely comply. Therefore, the Court will dismiss this action at this time, without prejudice, due to Dowell's failure to comply with the Court's January 29, 2020 order. *See Fed. R. Civ. P. 41(b); see also Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the Dowell's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

Dated this 18th day of March, 2020.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE